

Lewis,
McComb.
McKinney,
Presler,

Shelburne,
Simpson,
Smith,
Whitaker.

Senator Colquitt moved a call of the Senate, which was duly ordered, the following Senators answering to their names:

Agnew,
Atlee,
Beall.
Bowser,
Colquitt,
Dean,
Dibrell,
Gage,
Greer,

Lewis,
Rogers,
Shelburne,
Sherrill,
Simpson,
Stafford.
Steele,
Tips,
Woods.

Absent, not excused.

Bailey,
Boren,
Darwin,
Dickson,
Goss,
Harrison,

Lawhon,
McComb,
McKinney,
Presler,
Smith,
Whitaker.

Senator Bowser moved that the Senate take a recess until 3:30.

Senator Stafford moved that the Senate take a recess till 3:45.

Lost.

The motion to take a recess till 3:30 was also lost.

Senator Tips then moved that the Sergeant-at-Arms be instructed to locate and bring in the absentees.

Adopted.

Senators Presler and Dean were announced.

Senator Colquitt moved that the Sergeant-at-Arms be instructed to summons the absentees by telegraph to be present tomorrow morning at 10 o'clock.

On motion of Senator Atlee, the Senate adjourned till tomorrow morning at 10 o'clock.

SEVENTY-FIFTH DAY.

Senate Chamber,
Austin, Texas, April 11, 1895.

Senate met pursuant to adjournment. Lieutenant Governor Jester in the chair.

Roll called, quorum present, the following Senators answering to their names:

Agnew,
Atlee,
Bailey,
Beall,
Bowser.
Colquitt,
Darwin,
Dean,

Dibrell,
Gage,
Greer,
Goss,
Harrison,
Lewis,
Presler,
Rogers,

Shelburne,
Sherrill,
Simpson,
Stafford,

Steele,
Tips,
Whitaker,
Woods.

Absent, not excused.

Boren,
Dickson,
Lawhon,

McComb,
McKinney,
Smith.

Prayer by Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

Senator Harrison moved to suspend the reading of the same.

Lost by the following vote:

Yeas—10.

Agnew,
Atlee,
Bailey,
Bowser.
Harrison,

Presler,
Rogers,
Steele.
Tips,
Whitaker.

Nays—13.

Beall,
Colquitt,
Darwin,
Dean.
Dibrell,
Gage,
Goss,

Greer,
Lewis,
Shelburne,
Simpson,
Stafford,
Woods.

Absent, not excused.

Boren,
Dickson,
Lawhon,
McComb,

McKinney,
Sherrill,
Smith.

The Journal was then read in full.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, April 9, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bills, to-wit:

Senate bill No. 207, entitled "An act to amend sections 1 and 7 of chapter 62 of the acts of the Twenty-third Legislature of the State of Texas, approved April 28, 1893, and entitled 'An act to create a more efficient road system in the county of Guadalupe and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners court with regard thereto; to utilize the labor of county convicts and defaulting poll tax payers on the public roads of said county, and to provide adequate penalties for the violation of the provisions of this act.'"

With House amendments.

House bill No. 678, entitled "An act to amend an act passed by the Twentieth Legislature of the State of

Texas, approved March 15, 1887, entitled 'An act to amend section 2 of an act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved on the 9th day of April, 1883, and also to amend section 4 of 'An act to amend section 4 of an act entitled an act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved on March 31, 1885."

House bill No. 682, entitled "An act to authorize the sale of the railroad and other property and all the corporate franchises and privileges of the Texas Transportation Company to any railroad company owning or that may own a line or lines of railroad extending into the city of Houston and owning tracks which connect or which may be hereafter connected with the tracks of said Texas Transportation Company, and conferring necessary power upon such companies."

House bill No. 677, entitled "An act to amend an act to designate what counties shall compose the Twenty-ninth Judicial District of the State of Texas, and to fix the times of holding courts therein, approved March 30, 1887, at the regular session of the Twentieth Legislature, amended February 15, 1889, March 5, 1889, amended by the acts of the regular session of the Twenty-third Legislature, approved April 26, 1893, so that the same shall hereafter read as follows."

House bill No. 558, entitled "An act to amend sections 26 and 27, chapter 97, page 149, of an act approved April 20, 1891, entitled 'An act to create a more efficient road system, authorizing the appointment of road superintendents, defining their duties and powers, and further defining the powers and duties of commissioners court, and providing who shall be subject to road duty.'"

House bill No. 688, entitled "An act to authorize the Commissioner of the General Land Office to issue to the heirs of S. H. Carter a patent to the north half and southeast quarter of section No. 2, block No. 1, Fisher county, Texas, as surveyed by the San Antonio and Mexican Gulf Railway Company, and to set apart to the benefit of the common school fund of the State of Texas."

House bill No. 683, entitled "An act to fix the time and to regulate the terms

for holding district court in Hays and Caldwell counties, in the Twenty-second Judicial District of Texas, and to repeal all laws conflicting herewith."

House bill No. 650, entitled "An act to diminish the civil and criminal jurisdiction of the county court of Refugio county."

House bill No. 661, entitled "An act authorizing counties and cities to erect bridges in incorporated cities, or to cooperate with cities in the erection thereof."

Passed by a two-thirds vote—ayes 88, nays 8.

House bill No. 635, entitled "An act to enable the mayor and city council of any town or city to discontinue uninhabited territory as a part of any city or town."

House bill No. 56, entitled "An act to amend article 4334 of Revised Statutes of Texas."

Passed by a two-thirds vote—yeas 94, nays none.

House bill No. 230, entitled "An act for the relief of John A. Caplen, and to return to him certain moneys in the State Treasury, being proceeds of sale of land escheated to the State which was purchased by him."

House joint resolution No. 32, "Joint resolution amending article 6, section 2, of the Constitution of the State of Texas, requiring persons of foreign birth to declare their intention to become citizens of the United States twelve months before any election at which such persons may offer to vote."

Passed by a two-thirds vote—ayes 91, nays 12.

Also, that the House, on April 8, A. D. 1895, elected the Hon. J. R. Gough as Speaker pro tem., during the absence of Speaker T. S. Smith.

Respectfully,

CHESTER HAILE, Chief Clerk.

MESSAGE FROM THE GOVERNOR.

Executive Office, State of Texas,
Austin, April 8, 1895.

To the Senate:

Senate bill No. 204, being an act to authorize the Houston East and West Texas Railway Company, a railroad corporation organized under the laws of this State, to lease, operate, maintain and control for the term of ninety-nine years the Houston and Shreveport Railroad, a railway situated in the State of Louisiana and operated in the name of a corporation organized under the laws of that State, is herewith returned without approval. The bill is believed to be in violation of section 6, article 10, of our Constitution, for the reasons given in the opinion of the Attorney-General,

to whom the legal question was submitted, as follows:

"I am in receipt of your favor of yesterday, in which you ask for an opinion as to whether an act of the Legislature authorizing a railway corporation of this State to lease the franchises, rights and privileges of a railway corporation organized under the laws of another State, for the period of ninety-nine years, contravenes article 10, section 6, of our Constitution.

"The language of the section of the Constitution referred to is as follows: 'No railroad company organized under the laws of this State shall consolidate, by private or judicial sale or otherwise, with any railroad company organized under the laws of any other State or of the United States.' The language of the Constitution itself, I think, clearly prohibits the Legislature from authorizing a railway corporation of this State to lease the franchises, rights and property of a railway corporation organized under the laws of another State for such a long period of time. The purpose of the lease is evidently to consolidate the two lines of railroad.

"The word 'consolidate,' as used in this connection, is used in the sense of join or unite. *State v. A. N. R. R. Co.*, 24 Neb., 164. A lease for such a long period of time will as effectually unite and join these two lines of railroad, and thereby consolidate them, as would an absolute sale, whether private or judicial.

"The Supreme Court of Nebraska, in construing a similar provision of the Constitution of that State, uses the following language: 'This is an absolute prohibition against a railroad corporation consolidating its stock, property, franchises and earnings * * * with any other railroad corporation owning a parallel and competing line. The word consolidate is here used in the sense of join or unite. The constitutional convention aimed at practical results; the character of the title and the parties operating the road is of little moment to the general public. * * * The law cannot be evaded, therefore, by substituting a lease for a deed of conveyance. * * * The prohibition against the joinder of these prohibits the leasing of such roads.'

"The authorities hold and treat a sale for such a long time as practically one and the same thing; they denominate a lease as a temporary alienation. 4 Am. and Eng. Ency. of Law, 219; *Dana v. Bank of U. S., W. & S. (Penn.)*, 223.

"When our constitutional convention said that a railroad corporation organized under the laws of this State shall not consolidate by private or judicial

sale or otherwise, with any other railroad company organized under the laws of any other State or of the United States, it absolutely inhibited any such consolidation. The term 'by private or judicial sale or otherwise' includes every method of consolidation that the ingenuity of man can invent. That a lease of ninety-nine years is practically a consolidation of those two corporations is clear. That our courts regard it as a consolidation may be inferred from many authorities which hold that such a lease as the one now being considered is practically a dissolution of the leasing corporation and a surrender of its franchises and the merging of itself into the lessee corporation. That conclusively shows that by a lease of the kind enquired about the consolidation would be complete.

"The Nebraska constitution prohibited the consolidation of parallel and competing lines of railroad, but it will be noted that section 6 of article 10 of our Constitution can not be restricted to parallel and competing lines; it says that 'No railroad company organized under the laws of this State shall consolidate, by private or judicial sale, with any railroad company organized under the laws of any other State or of the United States.' It is not necessary therefore for them to be parallel or competing lines to come within the constitutional inhibition.

"It seems therefore that the Legislature would have no authority to authorize such a consolidation, although it might appear to that body and to every other person that such consolidation would be beneficial to the public and to the corporations themselves."

In addition to the authorities cited reference is made to the following, which support the view that this lease is tantamount to a sale or consolidation:

1 Beach on Railways, sec. 535.

R. R. Co. v. R. R. Co., 118 U. S., 313.

C. A. CULBERSON.

PETITIONS AND MEMORIALS.

By Senator Simpson:

Petition from citizens, urging the passage of House bill No. 271, increasing the school tax to the constitutional limit.

Read and referred to Committee on Education.

By Senator Bowser:

Petition from merchants and others of Dallas county, protesting against the passage of House bill No. 232.

Read and referred to Committee on Internal Improvements.

By Senator Stafford:

Protest from county officials and others of Gregg county, against that portion of

the bill redistricting the judicial districts of the State of Texas which proposes to place Gregg county in the Harrison county district, etc.

Read and referred to Committee on Judicial Districts.

By Senator Bowser:

Petition from merchants, manufacturers and others, opposing the passage of bills now pending as to connecting carriers.

Read and referred to Committee on Internal Improvements.

BILLS AND RESOLUTIONS.

By Senator Rogers:

A bill to be entitled "An act to prevent electric light and gas companies from charging railroad and other corporations doing business in this State excessive rates for light privileges at street corners, crossings and intersection points, where such companies are required by ordinance of any city, town or village to keep such lights, and to fix a penalty for the violation of this act."

Read first time and referred to Committee on Internal Improvements.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 10, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 641, a bill to be entitled "An act to require the clerks of the several district courts to send to the Comptroller's Office a certified itemized statement, under seal of such court, of all accounts against the State allowed and approved by the judge of such District Court for each term of such court, and to provide a penalty for the failure of such clerk to furnish such statement, and to prohibit the Comptroller from auditing or issuing warrants for any accounts allowed and approved by any district judge until the certified statement of the district clerk of the court by whom such account was allowed and approved be filed in the office of the Comptroller, and to repeal all laws and parts of laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

LEWIS, Acting Chairman.

Committee Room,

Austin, Texas, April 10, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 164, a bill to be entitled "An act to amend article 2126, title 37, chapter 25, of the Revised Civil Statutes of Texas, relating to the partition and distribution of estates,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the following committee substitute pass in lieu of said Senate bill No. 164.

LEWIS, Acting Chairman.

COMMITTEE SUBSTITUTE.

A bill to be entitled "An act to amend article 2126 of the Revised Civil Statutes of Texas, relating to partition and distribution of estates.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 2526 of the Revised Civil Statutes of Texas shall be so amended as to hereafter read as follows:

"Article 2126. If any distributee be a minor, his share shall be delivered to his guardian, and if such minor has no guardian, and is a resident of this State, the executor or administrator shall retain his share until a guardian of such minor shall be appointed and qualified; and if any distributee be a minor and reside in any other than this State, and the guardianship of such minor or minors may be or has been granted in the State where such minor or minors reside, it shall be lawful for the executor or administrator in this State to settle with and pay or deliver over to such guardian any and all estate in his hands, which shall be as good and valid as if the guardianship had been granted in this State; provided, said guardian, before he receives such estate, shall produce to the court of the county wherein administration has been or may be granted, a certified copy of the record of his appointment as guardian, with certificates from the clerk and judge of the court in which said guardianship is pending that said appointment is in due and legal form under the laws of the said State; also a copy of his bond as guardian; and if the court shall be satisfied that said guardian has been legally appointed, such court shall order such record to be recorded in the clerk's office of the county court, which when recorded shall entitle the guardian to settle for the amount due his ward."

Section 2. The near approach of the close of the present session of the Legislature, and the crowded condition of the calendar, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and

that this act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 10, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred

House joint resolution No. 18, being a "joint resolution to amend section 4 of article 7 of the Constitution of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

Committee Room,
Austin, Texas, April 11, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 29, being a bill to be entitled "An act to adopt and establish the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that said bill be referred to the joint committee from the Senate and House appointed to revise and adopt the Revised Civil Statutes of the State of Texas.

LEWIS, Acting Chairman.

At the request of Senator Lewis, the above bill was referred to the joint committee of the two houses.

Committee Room,
Austin, Texas, April 10, 1895.

Hon. Geo. T. Jester, President of the Senate:

A majority of your Committee on Finance, to whom was referred

House bill No. 623, a bill to be entitled "An act to authorize the Secretary of State to furnish Somervell county all necessary laws of the Legislature of the State of Texas, and all reports of the Supreme Court and Court of Appeals and Court of Criminal Appeals and Courts of Civil Appeals of Texas,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

TIPS, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, April 10, 1895.

Hon. Geo. T. Jester, President of the Senate:

We, the undersigned minority of your

Finance Committee, to whom was referred

House bill No. 623, a bill to be entitled "An act to authorize the Secretary of State to furnish to Somervell county all necessary laws of the Legislature of the State of Texas and all reports of the Supreme Court and Court of Appeals and Court of Criminal Appeals and Courts of Civil Appeals of Texas"

Dissent from the majority of the committee, for the following reasons:

To pass this bill would be setting a bad precedent, which might entail a cost of thousands of dollars to the State in furnishing all court reports to the several counties of the State, and there can be no justification in furnishing these reports and statutes to one county and not furnish them to all.

For these reasons, we recommend that the bill do not pass.

COLQUITT,
DICKSON,
STEELE,
ROGERS.

Committee Room,
Austin, Texas, April 11, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on State Affairs, to whom was referred

House bill No. 55, a bill to be entitled "An act creating the office of Fish and Oyster Commissioner, and defining his duties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SIMPSON, Chairman.

Committee Room,
Austin, Texas, April 10, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate bill No. 290, a bill to be entitled "An act to redistrict the State of Texas into judicial districts and to fix the times of holding courts therein, and to provide for the election of district judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1896, and to repeal all laws and parts of laws in conflict with the provisions of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass. with the following amendments by the committee:

Amend by adding section 18d to section 18.

"Section 18d. The judge of the Forty-

fourth Judicial District as heretofore constituted shall be and remain the district judge of the Eighteenth Judicial District as herein constituted during the term of office for which he was elected." Amend by adding section 20a to section 20.

"Section 20a. The judge of the Forty-eighth Judicial District as heretofore constituted shall be and remain the district judge of the Twentieth Judicial District as herein constituted during the term of office for which he was elected."

Amend by adding section 21f to section 21.

"Section 21f. The judge of the Seventeenth Judicial District as herein constituted shall be and remain the district judge of the Twenty-first Judicial District as herein constituted during the term of office for which he was elected."

ATLEE, Chairman.

Committee Room,

Austin, Texas, April 9, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 283, being "An act to be entitled an act to change and fix the time for holding courts in the Thirty-ninth Judicial District of the State of Texas, and to repeal all laws in conflict herewith."

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,

Austin, Texas, April 9, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 285, being "An act to amend article 3232 of the Revised Civil Statutes of the State of Texas as amended by the Twenty-third Legislature, chapter 45, page 48, and approved March 29, 1893, relating to local option,"

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,

Austin, Texas, April 9, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 289, being "An act to amend section 132a of the charter of the city of Galveston, so as to authorize the expenditure of not more than \$80,000 in any one year of the net proceeds of bonds for permanent street improvements,"

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,

Austin, Texas, April 9, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 286, being "An act to amend title 93, articles 4604, 4605, 4606 and 4607 of an act to prevent certain animals from running at large in counties and subdivisions, and defining lawful fences, and by adding to said act articles 4604a, 4607b, 4607c, 4607d, 4607e, 4607f, 4607g, 4607h, and article 4611,"

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,

Austin, Texas, April 11, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 14, being "An act to amend article 722, chapter 8, title 17, of the Penal Code of the State of Texas, as amended by the Eighteenth Legislature, by an act entitled 'An act to amend article 722, chapter 8, title 17, of the Penal Code of the State of Texas,' approved April 12, 1883, defining the offense of robbery, and prescribing the penalty for robbery,"

And find the same correctly enrolled, and have this day at 11:50 a. m. presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,

Austin, Texas, April 11, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 149, being "An act to provide for the collection of taxes heretofore levied and that may hereafter be levied, making such taxes a lien on the lands taxed; establishing and continuing such lien; providing for the sale and conveyance of lands delinquent for taxes since January 1, 1885, which may have been returned delinquent or reported sold to the State, or to any county, city or town, for the tax due thereon and not redeemed, or which may be hereafter sold to the State or to any county, city or town, to satisfy the lien thereon,"

And find the same correctly enrolled, and have this day, at 11:50 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Call concluded.

Senator Rogers had

Senate bill No. 288, a bill entitled "An

act to require express companies and others doing an express business to keep general offices in the State of Texas."

Recommitted to Committee on Internal Improvements.

On motion of Senator Beall,

House bill No. 404, being a bill to be entitled "An act to amend an act entitled 'An act to define trusts, and to provide for penalties and punishment of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Texas,' approved March 30, 1889."

Was made special order for Monday after call, and from day to day.

Senator Steele called up the motion to reconsider the vote failing to pass to a third reading

House bill No. 362, a bill entitled "An act to authorize city and town councils in cities and towns having less than five thousand inhabitants, according to the last preceding census, to dispense with the office of marshal."

Reconsidered.

By Senator Tips:

Amend caption and sections 1 and 2 by striking out the words "five thousand" wherever they occur and insert "three thousand" in lieu thereof.

Adopted.

Bill passed to third reading.

On motion of Senator Steele, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—20.

Agnew,	Harrison,
Atlee,	Lewis,
Bailey,	Presler,
Beall,	Rogers,
Bowser,	Sherrill,
Colquitt,	Stafford,
Darwin,	Steele,
Dibrell,	Tips,
Gage,	Whitaker,
Goss,	Woods.

Nays—3.

Greer,	Simpson.
Shelburne,	

Absent, not excused.

Boren,	McComb,
Dean,	McKinney,
Dickson,	Smith.
Lawhon,	

Bill read third time, and passed by the following vote:

Yeas—17.

Agnew,	Bowser,
Atlee,	Colquitt,
Bailey,	Darwin,

Dibrell,	Stafford,
Gage,	Steele,
Goss,	Tips,
Harrison,	Whitaker,
Presler,	Woods.
Sherrill,	

Nays—6.

Beall,	Rogers.
Greer,	Shelburne,
Lewis,	Simpson.

Absent, not excused.

Boren,	McComb,
Dean,	McKinney.
Dickson,	Smith.
Lawhon,	

SPECIAL ORDER.

The Chair laid before the Senate, on its second reading,

House bill No. 464, a bill entitled "An act to protect from garnishment, or any other legal process issued out of any of the courts of this State, all moneys arising under or by reason of any fire insurance policy, because of any loss or damage occasioned by the burning or damage or loss of any house, buildings or crops, on homesteads, when such property is exempt by law from forced sale, under the homestead or other exemption laws of this State, and to exempt such moneys so received from the payment of all debts, as such property would be had it not been so damaged or destroyed."

Senator Simpson called up Senator Atlee's motion to reconsider the vote by which the following amendment was adopted, to-wit:

"By Senator Gage:

"Amend by adding at end of section 1 the following: 'Provided, that the amount of money exempted shall not exceed five thousand dollars.'"

The motion to reconsider was then lost by the following vote:

Yeas—9.

Atlee,	Lewis,
Bailey,	Shelburne,
Bowser,	Simpson,
Dean,	Woods.
Dibrell,	

Nays—13.

Agnew,	Rogers.
Beall,	Sherrill,
Colquitt,	Stafford,
Darwin,	Steele,
Gage,	Tips,
Harrison,	Whitaker.
Presler,	

Absent, not excused.

Boren,	Lawhon,
Dickson,	McComb,
Goss,	McKinney,
Greer,	Smith.

Senator Simpson moved to indefinitely postpone further consideration of the bill.

Postponed by the following vote:

Yeas—18.

Agnew,	Lewis.
Atlee,	Presler,
Beall,	Rogers.
Bowser,	Shelburne,
Colquitt,	Sherrill,
Dean,	Simpson,
Dibrell,	Steele,
Gage,	Tips,
Goss,	Woods.

Nays—5.

Bailey,	Stafford.
Darwin,	Whitaker.
Harrison,	

Absent, not excused.

Boren,	McComb,
Dickson,	McKinney,
Greer,	Smith.
Lawhon,	

The Chair gave notice of signing, and did sign after the captions had been read.

Senate bill No. 14, entitled "An act to amend article 722, chapter 8, title 17, of the Penal Code of the State of Texas, as amended by the Eighteenth Legislature by an act entitled 'An act to amend article 722, chapter 8, title 17, of the Penal Code of the State of Texas,' approved April 12, 1883."

Senate bill No. 149, "An act to provide for the collection of taxes heretofore levied and that may hereafter be levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes since January 1, 1877, which may have been sold to the State, or to the county, city or town for the tax due thereon and not redeemed, or which may hereafter be sold to the State, or to any county, city or town to satisfy the lien thereon."

On motion of Senator Lewis, the regular order of business was suspended to take up

Substitute House bill No. 556, "An act to provide for levying a tax on the occupation of selling or offering for sale the 'Sunday Sun,' the 'Kansas City Sunday Sun,' or other publications of like character, whether illustrated or not."

Bill read second time, and passed to third reading.

On motion of Senator Lewis, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—20.

Agnew,	Presler,
Atlee,	Rogers.
Beall,	Shelburne,
Colquitt,	Sherrill,
Dean,	Simpson,
Gage,	Stafford,
Goss,	Steele,
Greer,	Tips,
Harrison,	Whitaker,
Lewis,	Woods.

Nays—1.

Darwin.

Absent, not excused.

Bailey,	Lawhon,
Boren,	McComb,
Bowser,	McKinney,
Dibrell,	Smith.
Dickson,	

Bill read third time, and passed by the following vote:

Yeas—22.

Agnew,	Lewis,
Atlee,	Presler,
Beall,	Rogers,
Bowser,	Shelburne,
Colquitt,	Sherrill,
Dean,	Simpson,
Dibrell,	Stafford,
Gage,	Steele,
Goss,	Tips,
Greer,	Whitaker,
Harrison,	Woods.

Nays—1.

Darwin.

Absent, not excused.

Bailey,	McKinney,
Boren,	McComb,
Dickson,	Smith.
Lawhon,	

By consent, the following resolution was introduced:

By Senator Gage:

Resolved by the Senate, That Hon. J. C. Baldwin, an ex-member of this body, be and he is hereby invited to a seat within the bar of the Senate during his stay in Austin.

Adopted.

Senator Steele called up,

House bill No. 271, entitled "An act to provide for the levy and collection of an annual ad valorem State school tax of 20 cents on the \$100 valuation, for the maintenance of the public free schools."

Action being upon its passage to third reading.

By Senator Goss:

Amend by striking out the word "twenty" and inserting in lieu thereof the words "seventeen and three-fourths."

By Senator Darwin:

Substitute: Amend by striking out, in line 28, after the word "tax," the words "of twenty cents," and insert in lieu thereof "17½ cents for 1895 and 15 cents for 1896."

Pending action,

The Chair gave notice of signing, and did sign after the captions had been read,

House bill No. 383, "An act providing for the assessment of national bank notes and United States treasury notes."

House bill No. 598, "An act to validate incorporations of towns and villages heretofore attempted to be made under the provisions of chapter 11, title 17, of the Revised Civil Statutes, but which attempted incorporation failed to comply with the requirements of said chapter and title."

House bill No. 596, "An act to increase the civil jurisdiction of the county court of Goliad county."

House bill No. 283, "An act to create a more efficient road system for Dallas and Lamar counties, Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such: and providing for their compensation as road commissioners, and defining the powers and duties of such county commissioners; and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts upon the public roads of said counties; and providing for officers' fees; and to provide for the summoning of teams for roads, and allowance of time of service for same on roads; and fixing a penalty for violation of this act; and to repeal all laws in conflict with this act."

House bill No. 73, a bill entitled "An act to restore to and confer upon the county court of Liberty, Jefferson and Atascosa counties the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of the State, to conform the jurisdiction of the district court of said counties to such change, and to repeal all laws in conflict with the provisions of this act in so far as relate to Liberty, Jefferson and Atascosa counties."

Substitute House bills Nos. 26 and 102, "An act to regulate contested elections and to prescribe the procedure in such cases, and to repeal all laws and parts of laws in conflict therewith."

On motion of Senator Rogers, Senator McComb was excused indefinitely on account of sickness.

On motion of Senator Darwin,

House bill No. 579, a bill entitled "An act to restore and confer upon the county court of Camp

county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act."

Was recommitted to Judiciary Committee No. 2.

On motion of Senator Colquitt, Senate adjourned to 3 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew,	Harrison,
Atlee,	Lewis,
Beall,	Presler,
Bowser,	Rogers,
Colquitt,	Shelburne,
Darwin,	Sherrill,
Dean,	Simpson,
Dibrell,	Steele,
Gage,	Tips,
Goss,	Whitaker,
Greer,	Woods.

Absent, excused.

McComb.

Absent, not excused.

Bailey,	McKinney,
Boren,	Smith.
Dickson,	Stafford.
Lawhon,	

SPECIAL ORDER.

The Chair laid before the Senate

House bill No. 271, a bill to be entitled "An act to provide for the levy and collection of an annual ad valorem State school tax of 20 cents on the \$100 valuation, for the maintenance of the public free schools."

Action being on the following amendment and substitute, to-wit:

By Senator Goss:

Amend by striking out the word "twenty" and inserting in lieu thereof the words "seventeen and three-fourths."

By Senator Darwin:

Substitute: Amend by striking out in line 28, after the word "tax" the words "of twenty cents," and inserting in lieu thereof "seventeen and one-half cents for 1895, and fifteen cents for 1896."

Lost by the following vote:

Yeas—5.

Colquitt,	Dibrell,
Darwin,	Harrison.
Dean,	

Nays—17.

Agnew,	Rogers,
Atlee,	Shelburne.
Beall,	Sherrill,
Bowser,	Simpson,
Gage,	Steele,
Goss,	Tips,
Greer,	Whitaker,
Lewis,	Woods.
Presler,	

Absent, excused.

McComb.

Absent, not excused.

Bailey,	McKinney,
Boren,	Smith,
Dickson,	Stafford.
Lawhon,	

By Senator Dean:

Amend amendment (Goss') by striking out "seventeen and three-fourths" and insert in lieu thereof "sixteen and three-fourths."

Lost.

The amendment (Goss's) was then adopted by the following vote:

Yeas—12.

Mr. President,	Dickson,
Agnew,	Goss,
Colquitt,	Harrison,
Darwin,	Lewis,
Dean,	Simpson,
Dibrell,	Woods.

Nays—11.

Atlee,	Rogers,
Beall,	Shelburne,
Bowser,	Sherrill,
Gage,	Steele.
Greer,	Whitaker.
Presler,	

Absent, excused.

McComb.

Absent, not excused.

Bailey,	Smith,
Boren,	Stafford,
Lawhon,	

Paired.

Yea.	Nay.
McKinney,	Tips.

The Chair votes to increase the State school tax from twelve and one-half cents to seventeen and three-fourths cents on the one hundred dollars, for the reason that this will increase the available school fund for the next two years about one million dollars, and with the enforcement of the laws passed at this session, for the collection of taxes and accrued interest on land notes, the available school fund will be augmented to such an extent as to furnish a six months school. While he favors carrying out the requirements of the Consti-

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tution and the pledges of the Democratic party, he is opposed to levying a higher tax than is absolutely necessary at this time.

The ad valorem tax must necessarily be increased from fifteen cents to an average of twenty-two and one-half cents or twenty-five cents for the next two years, which will make a total State tax for all purposes of forty and one-fourth or forty-two and three-fourth cents on the one hundred dollars.

Bill passed to third reading.

On motion of Senator Goss, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—21.

Agnew,	Lewis,
Atlee,	Presler,
Beall,	Rogers,
Colquitt,	Shelburne,
Dean,	Sherrill,
Dibrell,	Simpson,
Dickson,	Steele,
Gage,	Tips,
Goss,	Whitaker,
Greer,	Woods.
Harrison,	

Nays—1.

Darwin.

Absent, excused.

McComb.

Absent, not excused.

Bailey,	McKinney,
Boren,	Smith,
Bowser,	Stafford.
Lawhon,	

Bill read third time, and passed by the following vote:

Yeas—21.

Agnew,	Harrison,
Atlee,	Lewis,
Beall,	Presler,
Colquitt,	Rogers,
Darwin,	Shelburne,
Dean,	Sherrill,
Dibrell,	Simpson,
Dickson,	Steele,
Gage,	Whitaker,
Goss,	Woods.
Greer,	

Nays—1.

Tips.

Absent, excused.

McComb.

Absent, not excused.

Bailey,	McKinney,
Boren,	Smith,
Bowser,	Stafford.
Lawhon,	

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, April 11, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bill, to-wit:

Substitute House bill No. 312. "An act to require express companies and others doing an express business to keep general offices in the State of Texas, and providing a penalty for violation of this act."

Respectfully,
CHESTER HAILE, Chief Clerk.

Senator Rogers sent up the following free conference report on

Senate bill No. 142, being a bill to be entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers or receivers and employes, and to authorize the creation of a board of arbitration, and to provide for compensation of said board, and to provide penalties for the violation hereof."

And moved its adoption, to-wit:

Committee Room,
Austin, Texas. April 11, 1895.

Hon. Geo. T. Jester, President of the Senate, and Hon. T. S. Smith, Speaker of the House of Representatives:

Your free conference committee on Senate bill No. 142, entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers or receivers and employes, and to authorize the creation of a board of arbitration, and to provide for compensation of said board, and to provide penalties for the violation hereof,"

Beg leave to report that they have considered the said bill and the differences of the two houses in respect thereto, and they recommend:

1. That the House recede from its amendment to section 4, subdivision 4.

2. That the Senate concur in the House amendment to add section 12 to the bill.

Respectfully submitted,

ROGERS,
LEWIS,
COLQUITT,
GREER,
DEAN,

Committee on part of Senate.

MURCHISON,
FEAGIN,
EDWARDS,
HALLER,

Committee on part of House.

Adopted.

On motion of Senator Colquitt, regular order of business was suspended to take up

House bill No. 93, a bill to be entitled "An act to better define who are eligible for the several State and county offices of the State of Texas."

Bill read second time, and passed to third reading.

Senator Colquitt moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put upon its third reading and final passage.

Lost by the following vote:

Yeas—19.

Agnew,	Greer,
Beall,	Harrison,
Bowser,	Lewis,
Colquitt,	Presler,
Darwin,	Sherrill,
Dean,	Steele,
Dibrell,	Tips,
Dickson,	Whitaker,
Gage,	Woods.
Goss,	

Nays—6.

Atlee,	Shelburne,
Bailey,	Simpson,
Rogers,	Smith,

Absent, excused.

McComb.

Absent, not excused.

Boren,	McKinney,
Lawhon,	Stafford.

Senator Bowser called up free conference committee report on

House bill No. 47, entitled "An act to protect persons, associations, and unions of working men, incorporated or unincorporated, in their labels, trade marks, designs, devices, imprints, and forms of advertising, and names, and to prescribe penalties for violation of the same, and to repeal all laws or parts of laws in conflict with this act," to-wit:

Your conference committee beg leave to report that they have considered the said bill and the differences of the two houses in respect thereto, and they recommend:

1. That the House concur in the Senate amendment to section 1, line 28.

2. That the House concur in Senate amendment to section 3, page 3, line 5.

3. That the Senate recede from its amendment to section 1, line 11.

4. That the House concur in Senate amendment to section 2, line 19.

5. That the Senate recede from its amendment to section 2, page 2, in lines 21 and 22, and that a compromise be adopted to amendment in line 24 of same section, making the penalty not less than \$25 nor more than \$100.

6. That the same compromise as in No. 5 apply to amendment to section 1, page 2, line 13."

And moved to adopt same.

Senator Colquitt moved as a substitute that the Senate refuse to concur in said report.

Senator Simpson moved as a substitute for the motion and substitute therefor:

That the Senate do not adopt the report of the free conference committee, and that a like committee be reappointed to further consider the difference between the two houses upon said House bill No. 47, and that such committee is instructed by the Senate to insist upon the Senate amendments to said bill, and that the House be requested to appoint a like committee.

Carried by the following vote:

Yeas—16.

Agnew,	Goss,
Atlee,	Greer,
Beall,	Lewis,
Colquitt,	Shelburne,
Dean,	Simpson,
Dibrell,	Smith,
Dickson,	Steele,
Gage,	Tips.

Yeas—9.

Bailey,	Rogers,
Bowser,	Sherrill,
Darwin,	Whitaker,
Harrison,	Woods.
Presler,	

Absent, excused.

McComb.

Absent, not excused.

Boren,	McKinney,
Lawhon,	Stafford.

IN SENATE.

House bill No. 230, a bill to be entitled "An act entitled an act for the relief of John A. Caplen, and to return to him certain moneys in the State Treasury, being proceeds of sale of land escheated to the State, which was purchased by him."

Read first time and referred to Committee on Finance.

House bill No. 661, a bill to be entitled "An act authorizing counties and cities to erect bridges in incorporated cities, or to co-operate with cities in the erection thereof."

Read first time and referred to Committee on Roads and Bridges.

House bill No. 56, being "An act to amend article 4334 of Revised Statutes of Texas,"

Read first time and referred to Judiciary Committee No. 1.

House bill No. 635, a bill to be entitled "An act to enable the mayor and city

council of any city or town to discontinue by ordinance uninhabited territory as a part of any city or town."

Read first time and referred to Committee on Towns and City Corporations."

House joint resolution No. 32, "Amending article 6, section 2, of the Constitution of the State of Texas, requiring persons of foreign birth to declare their intention to become citizens of the United States twelve months before any election at which such persons may offer to vote."

Read first time and referred to Committee on Constitutional Amendments.

House bill No. 678, a bill to be entitled "An act to amend an act passed by the Twentieth Legislature of the State of Texas, approved March 15, 1887, entitled 'An act to amend section 2 of an act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved on the 9th day of April, 1883, and also to amend section 4 of 'An act to amend section 4 an act entitled an act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved on March 31, 1885."

Read first time and referred to the Committee on Judicial Districts.

House bill No. 558, a bill to be entitled "An act to amend sections 26 and 27, chapter 97, page 149, of an act approved April 20, 1891, by striking out of the list of counties exempted from the operation of said act the county of Washington."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 650, a bill to be entitled "An act to diminish the criminal jurisdiction of the county court of Refugio county."

Read first time and referred to Judiciary Committee No. 2.

House bill No. 677, a bill to be entitled "An act to amend an act to designate what counties shall compose the Twenty-sixth Judicial District of the State of Texas, to fix the time of holding courts therein, approved March 30, 1887, at the regular session of the Twentieth Legislature, amended February 15, 1889, March 5, 1889, amended by the acts of the regular session of the Twenty-third Legislature, approved April 26, 1893."

Read first time and referred to Committee on Judicial Districts.

House bill No. 682, a bill to be entitled "An act to authorize the sale of the railroad and other property and all the corporate franchises and privileges of the Texas Transportation Company to any railroad company owning or that may own a line or lines of railroad extending into the city of Houston and owning tracks which connect or which may be hereafter connected with the tracks of said Texas Transportation Company, and conferring necessary power upon such companies."

Read first time and referred to Committee on Internal Improvements.

House bill No. 683, a bill to be entitled "An act to fix the time and to regulate the terms for holding district court in Hays and Caldwell counties, in the Twenty-second Judicial District of Texas, and to repeal all laws conflicting herewith."

Read first time and referred to Committee on Judicial Districts.

House bill No. 688, a bill to be entitled "An act to authorize the Commissioner of the General Land Office to issue to the heirs of S. H. Carter a patent to the north half and southeast quarter of section No. 1, Fisher county, as surveyed by the San Antonio and Mexican Gulf Railway Company, and to set apart to the benefit of the common school fund of the State of Texas."

Read first time and referred to the Committee on General Land Office.

Substitute House bill No. 312, a bill to be entitled "An act to require express companies and others doing an express business to keep general offices in the State of Texas."

Read first time and referred to the Committee on Internal Improvements.

The Chair gave notice of signing, and did sign after the captions had been read.

House bill No. 675, being a bill to be entitled "An act to amend section 57 of an act entitled 'An act to incorporate the city of Austin, to grant it a new charter, and to extend its boundaries.'"

House bill No. 94, being a bill to be entitled "An act to amend article 521, chapter 11, of title 17, of the Revised Civil Statutes of the State of Texas, relating to the power of the board of aldermen over streets, alleys, and other public places."

House bill 362, "An act to authorize the city and town councils in cities and towns having less than five thousand inhabitants, according to the last preceding census, to dispense with the office of marshal."

House bill No. 565, being a bill to be entitled "An act to amend the charter of

the city of Galveston by amending sections 3, 5, 18, 18a, 19, 21, 29, 78a, 113, 127, 128 and 129 thereof and by adding thereto section 132c."

Substitute House bill No. 556, "An act to provide for levying a tax on the occupation of selling or offering for sale the 'Sunday Sun,' the 'Kansas City Sunday Sun,' or other publications of like character, whether illustrated or not."

Read first time and referred to Judiciary Committee No. 2.

The Chair laid before the Senate,

House bill No. 22, a bill entitled "An act to amend article 649, title 21, of the Revised Civil Statutes of the State of Texas."

Bill read third time.

(Senator Dean in the chair.)

By Senator Lewis:

Strike out all after the word "policy" in line 14, page 2.

Pending action.

Senator Smith moved to postpone further consideration till Monday next.

So ordered.

Senator Steele called up the motion to reconsider the vote by which

House bill No. 412, a bill entitled "An act to impose an occupation tax upon general and local agents of life, fire, marine and accident insurance companies doing business in this State,"

Was passed.

Pending action, on motion of Senator Simpson, the Senate adjourned to 10 a. m. tomorrow.

SEVENTY-SIXTH DAY.

Senate Chamber,

Austin, Texas, April 12, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew,	Harrison,
Atlee,	Lawhon,
Beall,	Presler,
Bowser,	Rogers,
Colquitt,	Shelburne,
Darwin,	Sherrill,
Dean,	Simpson,
Dibrell,	Smith,
Dickson,	Steele,
Gage,	Tips,
Goss,	Whitaker,
Greer,	Woods.

Absent, excused.

McKinney.

Absent, not excused.

Bailey.	McComb,
Boren,	Stafford.
Lewis,	